

1 **Harvey Grad**
2 **Harvey Grad, PS**
3 323 Queen Anne Ave. N., Suite 102
4 Seattle, WA 98109
5 206.331.3927
6 Attorney for Plaintiff

District Judge Richard A. Jones
Magistrate-Judge J. Richard Creatura

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

EUGENE HOLLEY,

Plaintiff,

vs.

NANCY BERRYHILL, ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No.: 2:17-cv-00771-RAJ-JRC

PROPOSED CORRECTED ORDER
GRANTING PLAINTIFF'S MOTION
FOR EAJA FEES AND COSTS

ORDER

This having come on before the court on Plaintiff's motion for an award of EAJA fees and costs, ECF 37, in which Plaintiff seeks \$20.85 in cost and \$6,128.29 in attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(a)(1) and (d)(1)(A), after the court's decision in plaintiff's favor.

A party who prevails in a civil action against the United States is entitled to costs under EAJA, 28 U.S.C. §2412(a)(1). Additionally, a party who prevails in a civil action, other than a tort case, against the United States is entitled to attorney's fees and expenses under EAJA, unless the Court finds the United States's position was substantially justified or special circumstances make an award unjust. 28 U.S.C. §2412(d)(1)(A). If attorney's fees and expenses are merited the court may award a reasonable sum. 28 U.S.C. §2412(b); *see also Hensley v. Eckerhart*, 461 U.S. 424, 436-37 (1983) (discussing a district court's broad discretion in determining an appropriate award). The court finds that under the EAJA, plaintiff is entitled to an award of attorney's fees and costs.

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Harvey Grad, WSBA 6506
Harvey Grad, PS
323 Queen Anne Avenue N., Suite 102
Seattle, WA 98109
Ph.: 206.331.3927 – Fax: 206.327.9284

1 The Court finds the award Plaintiff requests is reasonable. Based on Plaintiff's submissions
2 itemizing the cost of certified mail for service of process and the hours the attorney spent on this
3 matter and using the Ninth Circuit's EAJA hourly rates, the court awards Plaintiff the following: (1)
4 \$20.85 in costs, and (2) \$6,128.29 in fees as itemized by dates and conforming to the hourly rates
5 established by the Ninth Circuit, for a total award of \$6,149.14.

6 Accordingly, **IT IS HEREBY ORDERED:**

- 7 1. Plaintiff's motion for costs and attorney's fees, **ECF 37**, is **GRANTED** in the
8 amount of \$6,149.14.
- 9 2. The Commissioner is **DIRECTED** to pay EAJA costs and attorney's fees in the
10 amount of \$6,149.14.
- 11 3. The EAJA award shall be made **Payable Directly to Plaintiff's Counsel** and
12 should be issued and payable directly to plaintiff's attorney, Harvey Grad, 323
13 Queen Anne Ave. N., Suite 102, Seattle, WA 98109 in the sum of \$6,128.29 in fees,
14 and for \$20.85 in costs.
- 15 4. EAJA costs, attorney's fees and expenses, are subject to any offsets allowed under
16 the Treasury Offset Program, as discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010).
- 17 5. Since this court remanded this case for further administrative proceedings and there
18 are no pending motions, hearing or deadlines, the Clerk's Office is directed to now
19 **CLOSE** this file.

20 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide
21 copies to all counsel. This Order supersedes Docket #41.

22 Dated this the 7th day of February, 2019.

23 

24 The Honorable Richard A. Jones
United States District Judge